IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

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WRIT PETITION No. 23976 of 2001

Between:

1 K.G. Kuppu Swamy, S/o K.M.Gopala Mudali,
R/o Ekambarakuppam, Nagari Mandal, Chittoor District.
2 K.Govinda Swamy, S/o Muddu Naidu,
R/o Beerakuppam, Nagari Mandal, Chittoor District.
3 A.D. Vinayagam Mudali, S/o A. Desappa Mudali,
R/o Mittapalayam, Nagari Mandal, Chittoor District.
4 A.K.Ponnuswamy, S/o Kolandavelu,
R/o Keelapattu, Nagari Mandal, Chittoor District.
5 Smt. R.V. Jayalakshmi, W/o Narapa Raju,
R/o Illataru, Vijayapuram Mandal, Chittoor District.

..... PETITIONERS

AND

1 The Chairman, Zilla Parishad, Chittoor.
2 The Chairman, Sand Committee and President,
Zilla Parishad, Chittoor.
3 The State of A.P., rep. by its Collector (Panchayat Wing)
Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents 1 and 2 in selling the sand in Kusasthali River along side of the villages of Beerakupam, Ekambarakuppam, Mittapalayam, Keelapattu (Nagari Mandal) and Illatturu Village (Vijayapuram Mandal) of Chittoor District as per R.C.No.3900/2001/A5/P,

dt.6.11.2001 as illegal, null and void and for consequential order directing the respondents to drop all further action with regard to sale of sand mentioned above.

Counsel for the Petitioner: Mr.M.V.SURESH

Counsel for Respondent Nos.1 & 2 : Mr.DAMMALAPATI SRINIVAS,

S.C.FOR ZILLA PARISHAD.

Counsel for Respondent No.3: G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The petitioners question the action of the respondents in proposing to conduct public auction for grant of leasehold rights for collection of seigniorage fee from the sand-lifters in Kusasthali River along side the villages of Beerakuppam, Ekambaraka Kuppam, Mittapalyam, Keelapattu and Illathur in Chittoor District.

As per the auction notice published in 2001, proposed lease was for one year. There was interim stay operating as regards the conduct of auction.

Learned counsel for the respondents submits that for the time being there is no proposal to auction the leasehold rights.

In view of the above, the writ petition itself is rendered infructuous, and we dispose of the writ petition as such with liberty reserved to the petitioner that in case if any public notice proposing to conduct auction is issued, to challenge the same in accordance with law.

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(DEVINDER GUPTA, C.J.)

30th November 2004.

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(G.ROHINI, J.)

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To

1 The Chairman, Zilla Parishad, Chittoor.
2 The Chairman, Sand Committee and President,
Zilla Parishad, Chittoor.
3 The Collector (Panchayat Wing), State of A.P., Chittoor,
Chittoor District.

4 Two CCs to the G.P.for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.